



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cox et al.

Serial No.: 10/800,780

Filed: March 15, 2004

Group Art Unit: 1755

Examiner: Paul Marcantoni

Docket No. 010350-1020

Confirmation No.: 9200

For: Calcium Sulphate-Based Compositions and Methods of Making Same

**STATEMENT UNDER 37 C.F.R. §1.97(e)**

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned hereby certifies that either:

- ☒ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or in a PCT Application, not more than three months prior to the filing of the Information Disclosure Statement, or
- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign office in a counterpart foreign application, and to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

By: Cynthia J. Lee  
Cynthia J. Lee, Reg. No. 46,033

100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339-5948  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12.08.04

Gloria Simmons  
Gloria Simmons

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Cox et al.

Serial No.: 10/800,780

Filed: March 15, 2004



Confirmation No.: 1900

Group Art Unit: 1755

Examiner: Paul Marcantoni

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For: Calcium Sulphate-Based Compositions and Methods of Making Same

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- ☐ under 37 CFR 1.97(b), or  
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☒ under 37 CFR 1.97(c) together with either a:  
☒ Statement Under 37 C.F.R. 1.97(e), or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:  
☐ Statement under 37 CFR 1.97(e), and  
☐ a \$180.00 petition fee set forth in 37 CFR 1.17(p).  
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Enclosed is a check in the amount of \$ .

Enclosed is Credit Card Payment Form (PTO-2038) in the amount of \$ .

Please charge \$ to deposit account . At any time during the pendency of this application, please charge any fees required to Deposit Account pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

- ☒ Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.
- ☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

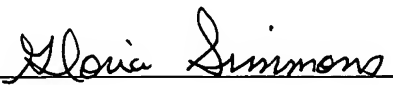
THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.

By:   
Cynthia J. Lee, Reg. No. 46,033

100 Galleria Parkway, Suite 1750  
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**CERTIFIED MAILING**

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Signature

Form PTO-1449

Attorney Docket No.  
**010350-1020**Serial No.  
**10/800,780****INFORMATION DISCLOSURE CITATION**

DEC 10 2004

*(Use several sheets if necessary)*Applicant  
**Cox et al.**Filing Date  
**March 15, 2004**Group  
**Not yet assigned****U.S. PATENT DOCUMENTS**

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	5,015,499	05/14/91	Koslowski	423	172	05/22/87
	B	5,015,450	05/14/91	Koslowski	423	172	05/22/87
	C	5,562,892	10/08/96	Kirk et al.	423	555	01/26/95
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						
	L						
	M						
	N						
	O						
	P						
	Q						

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
		DE 2049028 A	04/08/71	Germany	C 04	11/02		X

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

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\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:

DATE CONSIDERED:



## CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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Alexandria, Virginia 22313-1450**

on 12-08-04.

Gloria Simmons  
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The following is a list of documents enclosed:

Return Postcard  
Information Disclosure Statement  
Information Disclosure Citations Form PTO-1449  
Cited Prior Art (4 References)  
Statement Under 37 C.F.R. 1.97(e)  
Copy of the International Search Report

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.